Workplace Violence: Prevention and Response

Because sensational shootings are mercifully rare, many managers believe that workplace violence "won't happen here." Unfortunately, thousands of non-fatal incidents occur every day.[i] Unless proper violence prevention and intervention programs are established and enforced by organizations, "lesser acts" of violence can slip under the radar, increasing the likelihood that something worse may occur.

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Many business owners and managers are aware of only one form of workplace violence – the sensational spree shooting that periodically grabs headlines after a disgruntled ex-employee storms into an office, bristling with resentments, delusions and automatic weapons.

Myths vs. Realities

While there's no denying that workplace shootings do occur, sometimes (it seems) with alarming frequency, workplace shootings are relatively rare, accounting for just a small fraction of overall workplace violence.

- According to the Bureau of Labor Statistics, an average of 551 employees per year were victims of work-related homicide between 2006 and 2010, accounting for 11 percent of all work-related fatalities.[ii]

- The U.S. Department of Justice reports that 521 individuals were victims of workplace homicides in 2009 – out of more than 572,000 reported incidents of workplace violence.[iii]

- Among the occupations measured by the Department of Justice report, the highest proportion experiencing workplace violence were law-enforcement personnel. (Note: The study defines workplace as a "place where an employed person is working or on duty.)

In sum, it's unlikely that you or your colleagues will be killed or grievously wounded by an enraged gunman. Instead, the typical manager, supervisor or employee is more likely to encounter acts of non-lethal violence, including verbal threats, assaults, stalking, sexual harassment, theft, robbery and intimidation. This "lower-grade" violence is far more prevalent, but no less serious. Thanks (in part) to extensive media coverage of mass shootings, however, many people mistakenly equate workplace homicides with workplace violence; they convince themselves that workplace violence won't happen here.

Unprepared for the Worst

The "it won't happen here" mentality is so pervasive that many companies are ill-equipped to prevent violence and unprepared to respond to a crisis. Many have no violence prevention and intervention program, or have cobbled together some well-intentioned (but misguided) policies. In addition to increasing the risk of injury and death, employers without a violence prevention and intervention program, or with a poorly designed one, may result in exposure to legal liability.

Under the Occupational Safety and Health Administration's "general duty clause," employers are required to maintain "a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm."

Although OSHA doesn't offer specific standards for maintaining a safe workplace, the agency recommends that employers adopt violence prevention programs that contain the following five elements:

1. **Management commitment and employee involvement**
2. **Worksite analysis**
3. **Hazard prevention and control**
4. **Safety and health training**
5. **Evaluation** [iv]

OSHA doesn't provide a private right of action for violations of the general duty clause, but state regulations may provide this right to employees and their families in the context of workplace violence. For example, employers might be found negligent when it's proven that they reasonably could have, or should have, known that an employee had violent tendencies. The average settlement and jury award for an incident of workplace violence is considerable, with amounts ranging from around $500,000 to $3 million or more.[v]

Examples of problematic behavior include:

- Continual blaming of others.
- Casual talk about violence.
- Spoken and/or written threats.
- Signs of alcohol or substance abuse.
- Frequent talk about irrational beliefs.
- Signs of domestic violence.
- Violence toward inanimate objects – e.g., slamming the desk or throwing a book.
- Continual conflicts with other employees, supervisors or subordinates.

Begin by Building Awareness

To start, a good violence prevention and intervention program should build awareness among every employee, supervisor and manager about the true scope and nature of workplace violence. It should address not only acts of physical aggression, but also verbal threats – direct and indirect. Although the program should be designed to prevent and manage extreme violence, it should also train staff how to recognize, report and document a wide spectrum of other problem behaviors, even when the behaviors seem harmless and the offender's co-workers would rather handle the situations themselves.

With the benefit of 20/20 hindsight, it's common for co-workers of assailants to report that they observed various "red flags" in the days or weeks leading to the incidents. One reason why these observations tend to be offered "post-mortem" is because many firms have few (or no) policies and procedures for reporting and documenting problematic behavior or non-lethal violence.

If a company has no uniform procedures whereby workers can safely report and document violent incidents or patterns of erratic behavior, employees with violent tendencies or potential can easily escape management's notice. Even if word does reach management, they might be constrained from suspending or terminating employees if the previous incidents weren't reported in a timely manner and/or properly documented.

The Elements of an Effective Training Program

In addition to reporting standards, documentation and disciplinary mechanisms, an effective workplace violence prevention and intervention program should include:

Background screening for job applicants to uncover information such as criminal records, frequent job changes or the falsification of data in the resume or job application. While there might be valid explanations for frequent job changes, it's recommended that organizations adopt a zero-tolerance policy toward falsified or unexplained data.

Uniform policies and procedures for reporting and disciplining employees who exhibit threatening behavior or engage in harassment, stalking, verbal abuse, theft, etc. To foster a fair and harmonious work environment, written policies and procedures must be universally applied and disseminated to all staff on the day they join the organization, so that no one can later claim he or she wasn't aware of the policies.

Conflict resolution training for both supervisors and employees. Staff should learn how to help defuse potential violence rather than exacerbate it.

Zero-tolerance policies and procedures regarding harassment and violence. These policies should be periodically reviewed to determine their effectiveness, and updated whenever necessary.

An employee grievance system. Employees who aren't given the chance to formally air complaints may silently stew in their resentments until a "trigger" unleashes suppressed anger. An effective grievance system involves transparency, communication and follow-up with those who come forward. If employees believe that nothing has been done to address their complaints, they might assume that management has swept the issues under the rug, which can fuel simmering resentment.

Job counseling for laid-off workers. Though job loss is a leading cause of workplace violence, few companies provide extended job counseling and outplacement services for terminated workers. Companies may reduce the risk of violence by demonstrating that they care enough about former employees to help them find new employment.

An effective crisis management plan. This plan should be communicated company-wide and periodically rehearsed – like a fire drill. Preparing for a crisis is an essential step, but if you fail to thoroughly educate, communicate and train the staff – and then follow-up with "after-action reports" – the plan's shortcomings may not be apparent until the worst possible moment.

> **In certain instances, organizations may also want to authorize follow-up background investigations after the initial screening of applicants.**
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> For example: Pinkerton was once asked to conduct a follow-up investigation of an individual who had been threatening co-workers and supervisors. In the course of that investigation, it was learned that the individual had just been convicted (and was awaiting sentencing) for discharging a firearm into a vehicle during a road-rage incident. Obviously, this information substantially altered the threat assessment.
> *(Note: Such investigations must fully comply with the Fair Credit Reporting Act)*

The Role of Private Security

Managers must establish and communicate realistic responsibilities for security personnel regarding potential and actual threats. Though private security plays a key role in violence prevention and intervention, it's important not to overestimate their abilities and authority, or set unrealistic expectations. Too often, business owners and managers assume that security officers are the first and last line of defense against violence – e.g., that security guards have the same level of authority as police to confront and detain anyone identified as a security risk. This simply isn't true. In most instances, private security officers have very limited authority and are unarmed.

Whenever security officers are on site, they provide some level of deterrence, if only by helping limit access to certain areas and by monitoring facilities. Unfortunately, if someone is determined to cause harm, security officers can do only so much. For this reason, it's important to set realistic expectations and properly communicate officers' responsibilities before an incident.

Moreover, how security personnel do something can be as important as what they do. Depending on the circumstances and people involved, security officers should receive some latitude in how they interact with potentially violent subjects and what steps they can take to defuse volatile situations. For example: while it may be tempting to bar terminated employees from entering a building, or to insist that security phone the police if they appear on the premises, inflexible instructions can do more harm than good. An otherwise rational person who returns to retrieve personal effects from the office might react irrationally if he believes that security is treating him "like a criminal" instead of courteously helping him to retrieve the property.

Too many workplace violence programs are overly reliant on the security function. Yes, security should play a major role in a workplace violence prevention/response program, but it's essential that the program involve all employees and makes clear that everyone has some responsibility for contributing to their own safety. Every employee should participate in education and awareness programs, as well as training sessions and exercises.

The Role of Local Law Enforcement

From the moment a workplace violence prevention and intervention program is established, it should be coordinated with local law enforcement. It's always a good idea to initiate a dialog with police before an incident takes place. For example, if layoffs or a potentially troublesome termination are scheduled, the company should communicate this to security and even local law enforcement so that precautions can be taken. At a minimum, security and police can establish a presence at or near the location of the terminations.

Many managers don't realize how open law enforcement is to participating in training programs and presentations. If you develop a partnership with local law enforcement ahead of time, it makes for much smoother interactions in the event of a crisis. In fact, this type of partnership could very well save lives.

Conclusion

Before designing a violence prevention and intervention program, it's advisable to have a needs assessment conducted by in-house security or an external risk-assessment firm. Begin by examining your company's general vulnerability to violence based on the nature of the organization, your industry and other factors – e.g., do employees work at night, is the workplace located in a high-crime area, etc.? From there, the needs assessment will include evaluations of:

- Current prevention and intervention practices (if any).
- Current employee training programs (if any).
- The physical security of the organization's facilities.

Because every organization's situation and vulnerabilities are different, there is no one-size-fits-all model for violence prevention and intervention. Instead, every company should establish strategies and protocols based on the needs of the employees at each facility.

Workplace violence can happen anywhere. With proper awareness, education, communication and training, however, any organization can dramatically reduce the likelihood that workplace violence will happen there.

For additional sources of information about workplace violence prevention and intervention, visit:

The Department of Homeland Security provides resources on responding to active shooters: http://www.dhs.gov/sites/default/files/publications/active_shooter_educational_booklet_508.pdf

The Occupational Safety & Health Administration (OSHA) for standards on workplace violence awareness, education and training: https://www.osha.gov/SLTC/workplaceviolence/

ASIS International standards and guidelines: "Workplace Violence Prevention and Intervention," by ASIS and the Society for Human Resource Management (SHRM): http://www.wmc.org/cms/wp-content/uploads/2013/04/Item_1967_WVPISTD.pdf.

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[i] "Special Report: Workplace Violence, 1993-2009." U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, March 2011.

[ii] Fact Sheet: "Workplace Homicides from Shootings." U.S. Bureau of Labor Statistics, Census of Fatal Occupational Injuries, January 2013.

[iii] "Special Report: Workplace Violence, 1993-2009.

[iv] http://www.ober.com/files/workplaceviolence-employer-liability.pdf

[v] Steve Kaufer, "Corporate Liability: Sharing the Blame for Workplace Violence." Workplace Violence Research Institute.

John Lawrence | Pinkerton

John Lawrence currently serves as Pinkerton's Vice President, Latin America & Supply Chain & Logistics. With over thirty-five years' experience in both Law Enforcement and Security Operations, Mr. Lawrence is a proven expert in managing outsourced security and enterprise (dedicated) risk management programs for US based multi-national corporations. He has been a Certified Protection Professional (CPP) for twenty-five years and a Certified Fraud Examiner (CFE) for 10 years. Mr. Lawrence was a past chairman of the Detroit Chapter of ASIS International and currently serves as Securitas' single point of contact for the U.S. State Department Overseas Security Advisory Council.

Ken Carter | Pinkerton

Ken Carter has over 22 years of experience in the investigations and security consulting field. During his tenure with Pinkerton, Mr. Carter has completed a wide range of investigations and managed numerous client accounts. Mr. Carter has extensive experience in the areas of investigative services, workplace violence, personnel protection, interview/interrogation, surveillance, and litigation support. As Vice President, he currently oversees the Central Region of Pinkerton, managing major client accounts across 14 states and all of Canada. Mr. Carter is an active member of ASIS International.

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Over the last 30 years Ray Pohl has established his career in many different aspects of security. These positions have included: executive protection for celebrities, sports and business executives; security Director of an 85-acre office park; and disaster relief security. Mr. Pohl's true passion is in security training and now works as the Area Training and Development Manager at the Securitas USA Chicago branch. Mr. Pohl is a certified instructor in CPR, CIPI, and CPI and trains over 2,000 security officers at many of the premier buildings in downtown Chicago.

Pinkerton is the industry's leading provider of risk management services and solutions for organizations throughout the world. In addition to offering workplace violence prevention and training programs, Pinkerton provides expert assistance in managing volatile situations once threats have become imminent.
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